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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,668	08/25/2003	Fujio Akahane	Q77134	2143

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EXAMINER

CRANE, DANIEL C

ART UNIT PAPER NUMBER

3725

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/647,668

Applicant(s)

AKAHANE ET AL.

Examiner

Daniel C. Crane

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-34 is/are pending in the application.
- 4a) Of the above claim(s) 17 and 18 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10,13,19-27 and 30-34 is/are allowed.
- 6) ☒ Claim(s) 1-4,6-9,11-16,28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

REJECTION OF CLAIMS OVER PRIOR ART

Claims 1-4, 6-9, 14-16, 28 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Widell (2,825,407). See Figure 7-9 where the guide member 70, 74, 76 establishes the “projections” since they *project* from the spacers 80. These “projections” 70, 74 and 76 are provided with apertures 72 that facilitate guiding of the punches 116. Further, these “projections” are arranged vertically on the punches with a “gap” continuing between a first side and a second side of adjacent punches in the vertical direction. Accordingly, the features where a “gap continuing from a first sides face that is a side face of one of the adjacent punches to a second side face that is a side face of the other of the adjacent punches” is met by Widell when read with the “gap” being diagonally between, for example, projection 76 and projection 74. As to claim 8, the finished product, i.e., “guide face and the projections”, is shown by Widell. In this regard, how the guide face and projections are manufactured, for example, by “grinding”, does not further specify the construction of the parts if the product is shown by the prior art. How the plate material is manufactured (grinding or plastic working) does not effect the construction of the punching apparatus.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widell (2,825,407). The specific size is considered well within the purview of the skilled artisan having the benefit of Widell’s punching device, such sizing being dependent upon the desired size of the punched product. Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified Widell’s device to size the punches (“0.3 mm or less” or “0.2 mm or less” or ratio of “0.5 or more”) to any size desired based upon needed product sizes.

INDICATION OF ALLOWABLE SUBJECT MATTER

Claims 10, 13, 19-27 and 30-34 are allowed.

WITHDRAWAL OF NONELECTED CLAIMS

Claims 17 and 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 17, 2005.

RESPONSE TO APPLICANT'S COMMENTS

Applicant's comments relating to the Widell reference have been carefully considered. The examiner has given the claims a broad interpretation in accordance with Office practice. It is maintained that applicants are giving the claims a much narrower interpretation and by virtue of this interpretation conclude that the claims define over the Widell teaching. As interpreted by the examiner, the "projections" are established by the vertically spaced plates 70, 74 and 76, each plate defining a "projection" and the apertures 72 in the "projections" defining the guide faces of the guide member and come in contact with a first side face of one punch and a second side face of an adjacent punch. Accordingly, the "gap" between faces of adjacent punches specified in claim 1 is that diagonal spacing between vertically spaced "projection" 70 and "projection" 74 and that diagonal spacing between vertically spaced "projection" 74 and "projection" 76. Accordingly, Widell as applied above is properly applied against the claims.

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INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is **(571) 272-4516**.

The examiner's office hours are 7:00AM-3:30PM, Monday through Friday.

Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number **(571)-273-8300**. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is **(571) 273-4516**.

DCCrane
November 24, 2006



Daniel C. Crane
Primary Patent Examiner
Group Art Unit 3725